

The 1st October, 1975

No. 10669-4Lab-75/30022. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Hoops (P) Ltd., Bahalgarh, (Sonepat).

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK**

Reference No. 21 of 1975

between

**SHRI NARAIN SINGH AND THE MANAGEMENT OF M/S HARYANA HOOPS INDUSTRIES
(P) LTD., BAHALGARH (SONEPAT)**

AWARD

By order No. ID-RK.306-A-75-19908-12, dated 17th April, 1975 of the Governor of Haryana, the following dispute between the management of M/s Haryana Hoops Industries (P) Ltd., Bahalgarh (Sonepat) and its workman Shri Narain Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947:—

"Whether the termination of services of Shri Narain Singh was justified and in order? If not, to what relief is he entitled?"

Usual notices of the reference being sent to the parties, the workman appeared before this court on 5th June, 1975 through his authorised representative Shri Onkar Parshad and filed his statement of claim that his services as Supervisor had been terminated without sufficient cause and without enquiry, on 22nd November, 1974. None appeared for the management on that date despite notice being sent to them through registered post. The case was accordingly adjourned to 19th July, 1975 when the management did not appear despite being summoned through registered post. It seems clear that the management was not interested in defending their case in response to the demand notice dated 6th December, 1974 served on them by the workman for his reinstatement, *ex parte* proceedings were there taken up against them.

The workman made his own statement in *ex parte* evidence on 5th September, 1975, the date of adjourned hearing fixed for that purpose. He proved the appointment letter Exhibit W. 1 and the confirmation letter Exhibit W. 2 indicating his appointment by the respondent as a Supervisor Maintenance with effect from 20th May, 1974 and his confirmation on that post with effect from 21st June, 1974. He deposed that he having been paid Rs. 100/- on 22nd November 1974 as overtime allowance, he was pressurised by the son of the Proprietor to pass on a receipt of Rs. 200/- and that he complained about it to the Proprietor of the respondent. He added that the son of the Proprietor feeling aggrieved against him as a result of his complaint to his father, turned him out of service on 23rd November, 1974 verbally without sufficient cause and without enquiry.

I see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and his evidence has remained un-rebutted. The management has not taken care to put in their appearance despite being directed to do so, twice through registered letters.

I, therefore, relying on the statement of the workman, hold that his services were illegally terminated by the management without proper enquiry. I accordingly return the award with a finding that the termination of the services of Shri Narain Singh workman was unjustified and that he is entitled to full back wages with effect from 23rd November, 1974 with continuity of service. There shall be no order as to costs.

Dated the 10th September, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10467-4Lab-75/30024. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s K. P. Industries, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA ROHTAK.

Reference No. 48 of 1973

between

**SHRI GOPI RAM AND THE MANAGEMENT OF M/S K. P. INDUSTRIES,
BAHADURGARH**

AWARD

By order No. ID/RK/ 06-A-73/31887-91, dated 12th July, 1973 of the Governor of Haryana, the following dispute between the management of M/s K. P. Industries Bahadurgarh and its workman Shri Gopi Ram was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947: -

Whether the termination of services of Shri Gopi Ram was justified and in order if not, to what relief is he entitled ?

Usual notices of the reference being sent to the parties, they put in their appearance.

Shri Rajinder Singh authorised representative for the workmen and Shri D. C. Chakha authorised representative for the management were present before me on 3rd September, 1975. Shri Rajinder Singh made a statement withdrawing the denial notice issued by the workmen to the management relating to the dispute as referred to this court, as a result of an amicable settlement entered into between the parties.

I, as such in view of the aforesaid statement of Shri Rajinder Singh, hold that there is now no dispute between the parties requiring adjudication. I accordingly return a no-dispute award with no order as to costs.

MOHAN LAL JAIN,

Dated 3rd September, 1975.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10469-4Lab-75/30026.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Hindustan Potteries Industry, Bahadurgarh.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK**

Reference No. 84 of 1974

between

**SHRI RAM ADHAR AND THE MANAGEMENT OF M/S HINDUSTAN POTTERIES
INDUSTRY, BAHADURGARH**

AWARD

By order No. ID/RK/244-C-74/36909-13, dated 11th November, 1974, of the Governor of Haryana, the following dispute between the management of M/s Hindustan Potteries Industry, Bahadurgarh and its workman Shri Ram Adhar was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Ram Adhar was justified and in order? If not, to what relief is he entitled?

Usual notices of reference being sent to the parties, they appeared before me.

Shri Ram Adhar workman filed his statement of claim, alleging *inter alia* that his services had been terminated by the management without sufficient cause and without proper enquiry and that the order of termination of his services being illegal he was entitled to be reinstated

He stated that he proceeded on leave on 20th April, 1974 and that he thereafter fell sick and made an application for extension of leave by 2 weeks and that he supported this application ~~wide~~ medical certificate and sent it by registered letter on 2nd May, 1974. He added that when he reported for duty on 21st May, 1974 he was told by the management to come on the next date and on his reporting for duty on the next date he was not allowed to work and asked to go away.

The management filed a written reply while pleading that the workman was granted 10 days leave for the period from 20th April, 1974 to 29th April, 1974 with a direction that further extension of leave would not be made. They stated that the workman, due for attending his duties on 30th April, 1974 did not come on that date and instead sent a medical certificate recommending him 2 weeks further leave from 2nd May, 1974 without making an application for extension of leave. The management thus set up a case that the workman having fallen ill admittedly on 2nd May, 1974 remained absent on 30th April, 1974 and 1st May, 1974 after the expiry of his leave on 29th April, 1974. It was further pleaded by the management that the workman failed to submit the medical certificate of the approved Medical Officer of the E.S.I. Dispensary of his locality as directed by them with a warning that in case he omitted to do so he would be treated as absent. According to the management, the workman failed to report for duty even on 16th May, 1974 and that he could not submit his explanation to the letter sent to him as to why necessary action should not be taken against him and that his name was struck off the rolls keeping in view the period of his absence without sufficient cause. The management raised a legal objection that the workman did not raise a demand on them prior to his going to the Labour Officer for conciliation and that the action taken by them was correct under the Certified Standing Orders governing the workman.

The workman Shri Ram Adhar did not appear in this court on 19th July, 1975 despite being directed to do so ~~wide~~ order dated 5th June, 1975 with the result that ex parte proceedings were taken up against him on the former date with the direction to the management to adduce their evidence on 4th September, 1975.

The management examined Shri M.L. Gupta one of their partners who deposed with reference to the attendance register of the employees for the period from 1st July, 1973 to 30th June, 1974, brought by him, that the workman did not come to attend his duty on 30th April, 1974 after the expiry of his leave of 10 days on 29th April, 1974 and that he remained absent till 24th May, 1974 when his name was struck off the rolls of the employees as a result of his continuous absence for such a long period. He supported his statement by the documentary evidence consisting of copy of the attendance register for the months of April and May 1974, Ex. M. 1, relating to the workman, showing the workman's absence from duty with effect from 30th April, 1974 till 24th May, 1974. He approved these entries to be in the handwriting of his clerk Shri Suresh Chander. He tendered in evidence copies Exs. M. 2 and M. 3 of the letters dated 13th May, 1974 and 20th May, 1974, alleged to have been sent by the management to the workman asking him to submit the Medical Certificate from the approved Medical Officer and intimating him that he had been treated as absent on account of his failure to send an application for extension of leave after 29th April, 1974 and asking him to show cause as to why proper action be not taken up against him. Ex. M. 4 and M. 5 are the correct copies of the postal certificates under which these letters were sent to the workman. The originals of the documents Exs. M.2 to M.5 had been brought by Shri M. L. Gupta in court.

It would appear that the statement of Shri M. L. Gupta made by him in support of the pleas of the management not only stands fully corroborated by the documentary evidence on record, but remain un-rebutted. It is significant to note that the workman has not cared to pursue the demand raised by him on the management in respect of the order of the termination of his service being illegal. I under these circumstances see no reason to disbelieve the statement of Shri M. L. Gupta.

I, therefore, relying on the evidence of Shri M. L. Gupta hold the pleas of the management that the name of the workman had been struck off the rolls as a result of his continued absence of 26 days, under the Certified Standing Orders governing the conditions of service of the employees. I accordingly hold that the order of termination of the services of Shri Ram Adhar was justified and he is not entitled to any relief. I award the award accordingly with no order as to costs.

MOHAN Lal JAIN,

Presiding Officer,

Labour Court Haryana,
Rohtak.

The 3rd October, 1975

No. 10926-4Lab-75-30271. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the

Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of XEN. Operation Division, Haryana State Electricity Board, Sonepat.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK**
Reference No. 57 of 1974

between

**SHRI MUNSHI RAM AND THE MANAGEMENT OF XEN. OPERATION DIVISION, HARYANA
STATE ELECTRICITY BOARD, SONEPAT.**

AWARD

By order No. ID/RK/210-B/74/29518-22, dated 14th June, 1974 of the Governor of Haryana, the following dispute between the management of XEN. Operation Division, Haryana State Electricity Board, Sonepat and its workman Shri Munshi Ram was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of subsection (i) of Section 10 of the Industrial Disputes Act, 1947:—

"Whether the termination of services of Shri Munshi Ram was justified and in order ? If not, to what relief is he entitled ?"

Usual notices of the reference being sent to the parties, they filed their pleadings. Issues were framed.

The workman was summoned for today through registered post after the parties had been granted time for arriving at a settlement. He is absent today despite personal service of the notice sent to him through registered post for his appearance on 17th September, 1975. This shows that some settlement has been arrived at and the workman is not interested in pursuing his demand. I, therefore, hold that there is no dispute between the parties requiring adjudication. I return a no-dispute award with no order as to costs.

Dated 17th September, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2398, dated 19th September, 1975

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11090-4Lab-75/30273.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s B. C. C. Industries, Plot, No. 137, Sector 24, N.I.T., Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**
Reference No. 120 of 1975

between

**SHRI GANGADHAR JHA, WORKMAN AND THE MANAGEMENT OF M/S B. C. C.
INDUSTRIES, PLOT NO. 137, SECTOR-24, N. I. T., FARIDABAD**

AWARD

By order No. ID/FD/75/51267, dated 22nd July, 1975, the Governor of Haryana, referred the following dispute between the management of M/s B. C. C. Industries, Plot No. 137, Sector-24,

N. I. T., Faridabad and its workman Shri Gangadhar Jha to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Gangadhar Jha was justified and in order? If not, to what relief is he entitled?

Shri R. C. Sharma, authorised representative for the management has today produced an application alleged to have been made by the workman before the management praying for settlement of his account and relinquishing all his claims in respect of reinstatement. This application purports to bear the signatures of the workman under an endorsement in his own handwriting that he has received full payment against his claim in respect of this reference.

I see no reason to disbelieve the version of the management that claim of the workman in respect of this reference has been satisfied, particularly when the workman has not cared to appear despite notices sent to him. I, thus relying on the application bearing an endorsement of the workman that he had received full payment against all his claim in respect of this reference hold that there is now no dispute between the parties requiring adjudication. I return a no-dispute award.

MOHAN LAL JAIN,

Dated 23rd September, 1975

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11089-4Lab-75/30275.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s York India Limited, 14 Milestone, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 21 of 1975

between

SHRI DINESH BAHADUR WORKMAN AND THE MANAGEMENT OF M/S YORK INDIA LIMITED, 14 MILE STONE, MATHURA ROAD, FARIDABAD.

AWARD

By order No. ID/FD/74/2745, dated 20th January, 1975, the Governor of Haryana referred the following dispute between the management of M/s York India Limited, 14 Milestone, Mathura Road, Faridabad, and its workman Shri Dinesh Bahadur to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Dinesh Bahadur was justified and in order? If not, to what relief is he entitled?

Usual notices of the reference being issued to the parties, they appeared before this Tribunal.

The management in reply to the statement of claim of the workman filed on 22nd September, 1975 a copy of the settlement dated 5th September, 1975 and a copy of the receipt of that date alleged to have been executed by the workman in token of his having relinquished all his claim in respect of this reference on payment of a sum of Rs. 77.24. Shri Lakshmi Narain Yadav, authorised representative for the workman prayed for a day's adjournment for verifying the correctness of the settlement and the receipt and the case was accordingly adjourned to 23rd September, 1975 for the verification by the authorised representative of the workman of the correctness of the pleas of the management.

Neither the workman nor the authorised representative for the management was present on 23rd September, 1975 and this led to a conclusion in respect of the correctness of the pleas of the management relating to the relinquishment by the workman of all his claim in respect of this reference in consideration of the aforesaid amount. I accordingly accepting the plea of the management hold that there is now no dispute between the parties requiring adjudication. I return a no-dispute award.

MOHAN LAL JAIN,

Dated 23rd September, 1975.

Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.